

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA : CASE NO. 05-CR-131-04
:
Plaintiff :
:
-vs- : ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
WILLIAM WYATT McINTYRE : HEARING
:
Defendant :
-----:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of William Wyatt McIntyre which was referred to the Magistrate Judge with the consent of the parties.

On 16 March 2005, the government filed a two-count indictment against William Wyatt McIntyre for conspiracy to possess with the intent to distribute and distribution of a controlled substance in violation of 21 U.S.C. § 846, and distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1), § 841(b)(1)(A), and 18 U.S.C. § 2. On 29 June 2005, a hearing was held in which William Wyatt McIntyre entered a plea of not guilty before Magistrate Judge David S. Perelman.

On 21 September 2006, Magistrate Judge William H. Baughman, Jr. received William Wyatt McIntyre's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. William Wyatt McIntyre is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, William Wyatt McIntyre is adjudged guilty of Counts One and Twenty-Three in violation of in violation of 21 U.S.C. § 846, § 841(a)(1), § 841(b)(1)(A), and 18 U.S.C. § 2.

Sentencing will be:

7 December 2006 at 2:30 p.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 17 October 2006

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE